



# Journal of the House

State of Indiana

112th General Assembly

First Regular Session

Twelfth Meeting Day

Monday Afternoon

January 29, 2001

The House convened at 1:00 p.m. with the Speaker in the Chair.

The invocation was offered by Father Bob Klemme, St. Mary Cathedral, Lafayette, the guest of Representative Sheila A. Klinker.

The Pledge of Allegiance to the Flag was led by Representative Robert K. Alderman.

The Speaker ordered the roll of the House to be called:

T. Adams	Hoffman
Aguilera	Kersey
Alderman	Klinker
Atterholt	Kromkowski
Avery	Kruse
Ayres	Kruzan
Bardon	Kuzman
Bauer	Lawson
Becker	Leuck
Behning	Liggett
Bischoff	J. Lutz
Bodiker	Lytle
Bosma	Mahern
Bottorff	Mangus
C. Brown	Mannweiler
T. Brown	McClain
Buck	Mellinger
Budak	Mock
Buell	Moses
Burton	Munson
Cheney	Murphy
Cherry	Oxley
Cochran	Pelath
Cook	Pond
Crawford	Porter
Crooks	Richardson
Crosby	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dillon	Scholer
Dobis	M. Smith
Dumezich	V. Smith
Duncan	Steele
Dvorak	Stevenson
Espich	Stilwell
Foley	Sturtz
Frenz	Summers
Friend	Thompson
Frizzell	Tincher
Fry	Torr
GiaQuinta	Turner
Goeglein	Ulmer
Goodin	Weinzapfel
Grubb	Welch
Harris	Whetstone •
Hasler	Wolkins
Herndon	D. Young
Herrell	Yount
Hinkle	Mr. Speaker

Roll Call 15: 99 present; 1 excused. The Speaker announced a quorum in attendance. [NOTE: • indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, January 30, 2001, at 1:00 p.m.

COOK

Motion prevailed.

The House recessed for the remarks of Congressman Dan Burton.

## RECESS

The House reconvened with the Speaker in the Chair.

## RESOLUTIONS ON FIRST READING

### House Concurrent Resolution 10

Representatives Tincher, Kersey, Crosby, and Grubb introduced House Concurrent Resolution 10:

A CONCURRENT RESOLUTION proclaiming January 29, 2001, as March of Dimes Day at the Capitol.

*Whereas, Four major problems threaten the health of America's babies: birth defects, infant mortality, low birthweight, and lack of prenatal care;*

*Whereas, The mission of the March of Dimes, a national non-profit organization, is to bring us closer to the day when all babies will be born healthy;*

*Whereas, President Franklin Delano Roosevelt established the March of Dimes in 1938 to fight polio, with the first research grant going to Yale University that same year;*

*Whereas, Over its 63-year history, the March of Dimes has saved millions of babies from death or disability, including many babies born in Indiana;*

*Whereas, On an average day in America, 411 babies are born with birth defects, and 18 babies die as a result of birth defects;*

*Whereas, The March of Dimes has been a pioneer in preventing birth defects through programs of research, community services, education, and advocacy; and*

*Whereas, The nation's hopes for ensuring that the children of future generations get a healthy start in life depend upon accurate and timely identification and monitoring of birth defects: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly proclaims Monday, January 29, 2001, as the March of Dimes Day at the Capitol and urges all residents of Indiana to support the vital efforts of the March of Dimes in its fight to save babies.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the local March of Dimes chapter.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Bray, Blade, and Waterman.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1419, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "one (1) time grant" and insert "**no interest loan payable in ten (10) equal installments over ten (10) years**".

Page 1, line 17, delete "grant" and insert "**loan**".

Page 2, line 4, delete "grant" and insert "**loan**".

Page 2, line 5, delete "grants as follows" and insert "**loans**".

Page 2, line 6, delete ":".

Page 2, line 7, delete "(A) One-third (1/3) of the grant".

Page 2, run in lines 6 and 7.

Page 2, delete lines 8 through 9.

Page 2, line 10, delete "grant" and insert "**loan**".

Page 2, delete lines 15 through 35.

(Reference is to HB 1419 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 24, nays 0.

BAUER, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1420, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 7 through 10.

Page 1, line 11, delete "3." and insert "**2.**".

Page 1, line 15, delete "income tax district" and insert "**corporation**".

Page 2, line 3, delete "4." and insert "**3.**".

Page 2, delete lines 6 through 11.

Page 2, line 12, delete "7." and insert "**4.**".

Page 2, line 14, delete "8." and insert "**5.**".

Page 2, line 15, delete "income tax district" and insert "**corporation**".

Page 2, line 16, delete "27" and insert "**15**".

Page 2, line 17, delete "9." and insert "**6.**".

Page 2, delete lines 19 through 42.

Delete page 3.

Page 4, delete lines 1 through 34.

Page 4, line 35, delete "16." and insert "**7.**".

Page 4, line 35, delete "An education income tax council" and insert "**The governing body of a school corporation**".

Page 5, line 2, delete "income tax" and insert "**corporation's**".

Page 5, line 3, delete "district's".

Page 5, line 4, delete "district's" and insert "**school corporation's**".

Page 5, line 6, delete "17." and insert "**8.**".

Page 5, line 7, delete "an education income tax council" and insert "**a governing body of a school corporation**".

Page 5, line 10, delete "Education Income Tax Council" and insert "**Governing Body**".

Page 5, line 13, delete "(county) school income tax district." and insert "**school corporation**".

Page 5, line 17, delete "income tax district" and insert "**corporation**".

Page 5, line 21, delete "Sec. 18." and insert "**Sec. 9.**".

Page 5, line 21, delete "An education income tax council" and insert "**The governing body of a school corporation**".

Page 5, line 24, delete "education income tax council" and insert "**governing body**".

Page 5, line 27, delete "Education Income Tax Council" and insert "**Governing Body**".

Page 5, line 30, delete "income tax district" and insert "**corporation**".

Page 5, line 38, delete "Sec. 19." and insert "**Sec. 10.**".

Page 5, line 39, delete "an education income tax council" and insert "**a governing body**".

Page 5, line 41, delete "An education income tax council" and insert "**A governing body**".

Page 6, line 4, delete "Sec. 20." and insert "**Sec. 11.**".

Page 6, line 16, delete "Sec. 21." and insert "**Sec. 12.**".

Page 7, line 1, delete "Sec. 22." and insert "**Sec. 13.**".

Page 7, line 2, delete "income tax district" and insert "**corporation**".

Page 7, line 5, delete "income tax district" and insert "**corporation**".

Page 7, line 5, after "school" delete "income tax" and insert "**corporation's**".

Page 7, line 6, delete "district's".

Page 7, line 13, delete ", in the manner prescribed by" and insert "**be distributed to the school corporation that imposed the tax not more than thirty (30) days after the tax is deposited within the school corporation's account.**".

Page 7, delete lines 14 through 42.

Page 8, delete lines 1 through 28.

Page 8, line 29, delete "Sec. 26." and insert "**Sec. 14.**".

Page 8, line 31, delete "certified".

Page 8, line 33, delete "certified".

Page 8, line 34, after "corporation" delete "." and insert "**during the year.**".

Page 8, line 36, delete "certified".

Page 8, line 39, delete "certified".

Page 9, line 3, delete "certified".

Page 9, line 8, delete "certified".

Page 9, line 11, delete "certified".

Page 9, line 16, delete "Sec. 27." and insert "**Sec. 15.**".

Page 9, line 17, delete "income tax district" and insert "**corporation**".

Page 9, line 30, delete "income tax" and insert "**corporation**".

Page 9, line 31, delete "district".

Page 9, line 33, delete "Sec. 28." and insert "**Sec. 16.**".

Page 10, line 9, delete "income tax district" and insert "**corporation**".

Page 10, line 12, delete "Sec. 29." and insert "**Sec. 17.**".

Page 10, line 14, delete "income tax district's" and insert "**corporation's**".

Page 10, line 16, delete "each" and insert "**the**".

Page 10, line 16, delete "in the school income" and insert ".".

Page 10, delete line 17.

(Reference is to HB 1420 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 19, nays 3.

BAUER, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1479, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 25, nays 0.

BAUER, Chair

Report adopted.

## HOUSE BILLS ON SECOND READING

### House Bill 1251

Representative Avery called down House Bill 1251 for second reading. The bill was read a second time by title.

### HOUSE MOTION (Amendment 1251-1)

Mr. Speaker: I move that House Bill 1251 be amended to read as follows:

Page 4, delete lines 27 through 37, begin a new paragraph and insert:

"SECTION 3. IC 3-10-4-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2001]: **Sec. 0.5. (a) Not later than the first Wednesday after the**

first Monday of November of a year in which an election for President of the United States is held, the secretary of state shall determine which of the following applies as of the first Tuesday after the first Monday in November of that year:

(1) Each state and other jurisdiction entitled to appoint electors for the election of the President of the United States provides for apportionment of its electoral votes under either of the following methods:

(A) The candidate for President of the United States who receives the greatest number of votes in a congressional district is entitled to one (1) electoral vote and the candidate for President of the United States who receives the greatest number of votes in the entire state or other jurisdiction is entitled to two (2) electoral votes.

(B) The state or other jurisdiction apportions its electoral votes to candidates for President of the United States based on the percentage of votes received by the candidates for President of the United States in the entire state or other jurisdiction.

A state or other jurisdiction that is entitled to cast three (3) electoral votes is considered to satisfy this subdivision.

(2) One (1) or more states or other jurisdictions entitled to appoint electors for the election of the President of the United States awards all of its electoral votes to the candidate for President of the United States that receives the greatest number of votes in the entire state or other jurisdiction. A state or other jurisdiction that is entitled to cast three (3) electoral votes does not satisfy this subdivision.

(b) The secretary of state shall publish the determination required by subsection (a) in the December issue of the Indiana Register of the year in which an election for President of the United States is held.

SECTION 4. IC 3-10-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. The device, title, and names of nominees appearing on a ballot or ballot label shall be accompanied by a statement that a ballot cast for the named candidates for President and Vice President of the United States is considered a ballot cast for the **state number** of presidential electors:

(1) nominated by that political party or independent candidate; and

(2) as provided by Indiana law."

Page 5, line 1, delete "and shall be" and insert "for all and shall be counted as a vote as follows:".

Page 5, delete line 2.

Page 5, line 3, after "(1)" insert "If the secretary of state has determined that section 0.5(a)(1) of this chapter applies, the vote shall be counted as a vote for each of the following:

(A)".

Page 5, line 7, double block indent beginning with "(2)".

Page 5, line 7, delete "(2)" and insert "(B)".

Page 5, between lines 9 and 10, begin a new line block indented and insert:

"(2) If the secretary of state has determined that section 0.5(a)(2) of this chapter applies, the vote shall be counted as a vote for all presidential electors nominated by that political party or independent candidate."

Page 6, line 13, after "(b)" insert: "If the secretary of state has determined that section 0.5(a)(1) of this chapter applies, the following apply:

(1)".

Page 6, line 17, begin a new line block indented beginning with "(c)".

Page 6, line 17, delete "(c)" and insert "(2)".

Page 6, between lines 19 and 20, begin a new paragraph and insert:

"(c) If the secretary of state has determined that section 0.5(a)(2) of this chapter applies, each elector shall vote for the candidates for President and Vice President of the United States who have been certified to have received the greatest number of votes in Indiana."

Renumber all SECTIONS consecutively.

(Reference is to HB 1251 as printed January 25, 2001.)

THOMPSON

Upon request of Representatives Thompson and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 16: yeas 46, nays 53. Motion failed. The bill was ordered engrossed.

### House Bill 1085

Representative Cheney called down House Bill 1085 for second reading. The bill was read a second time by title.

HOUSE MOTION  
(Amendment 1085-1)

Mr. Speaker: I move that House Bill 1085 be amended to read as follows:

Page 1, line 3, after "25.5." insert "(a) This section does not provide an exception to the hours a child is permitted to work under section 20 of this chapter."

Page 1, line 3, before "It" begin a new paragraph and insert "(b)". (Reference is to HB 1085 as printed January 25, 2001.)

CHENEY

Motion prevailed. The bill was ordered engrossed.

### House Bill 1131

Representative Kersey called down House Bill 1131 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### House Bill 1512

Representative Liggett called down House Bill 1512 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

## OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1179.

MURPHY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hoffman be added as coauthor of House Bill 1281.

KUZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Weinzapfel be added as coauthor of House Bill 1295.

FRENZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Cochran be added as coauthor of House Bill 1307.

BOTTORFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Saunders be added as coauthor of House Bill 1405.

T. ADAMS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stevenson be added as coauthor of House Bill 1430.

D. YOUNG

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stevenson be added as coauthor of House Bill 1545.

KUZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1594.

MURPHY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Sturtz be added as coauthor of House Bill 1880.

FRIZZELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1888.

MURPHY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goeglein be added as coauthor of House Bill 1926.

CROOKS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Crooks be removed as coauthor of House Bill 1952.

YOUNT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Saunders be added as coauthor of House Bill 1978.

T. ADAMS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Buck be added as coauthor of House Bill 2128.

KLINKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bischoff be removed as coauthor of House Bill 2136.

THOMPSON

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative T. Brown the House adjourned at 2:10 p.m., this twenty-ninth day of January, 2001, until Tuesday, January 30, 2001, at 1:00 p.m.

JOHN R. GREGG

Speaker of the House of Representatives

LEE ANN SMITH

Principal Clerk of the House of Representatives